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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,692	02/27/2004	Christopher J. Norman	STE01 P-1165	7031
277 7590 10/16/2007 PRICE HENEVELD COOPER DEWITT & LITTON, LLP 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501			EXAMINER HAWK, NOAH CHANDLER	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 10/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/788,692	Applicant(s) NORMAN ET AL.	
	Examiner Noah C. Hawk	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-48 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 21-29 and 31-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/18/07 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

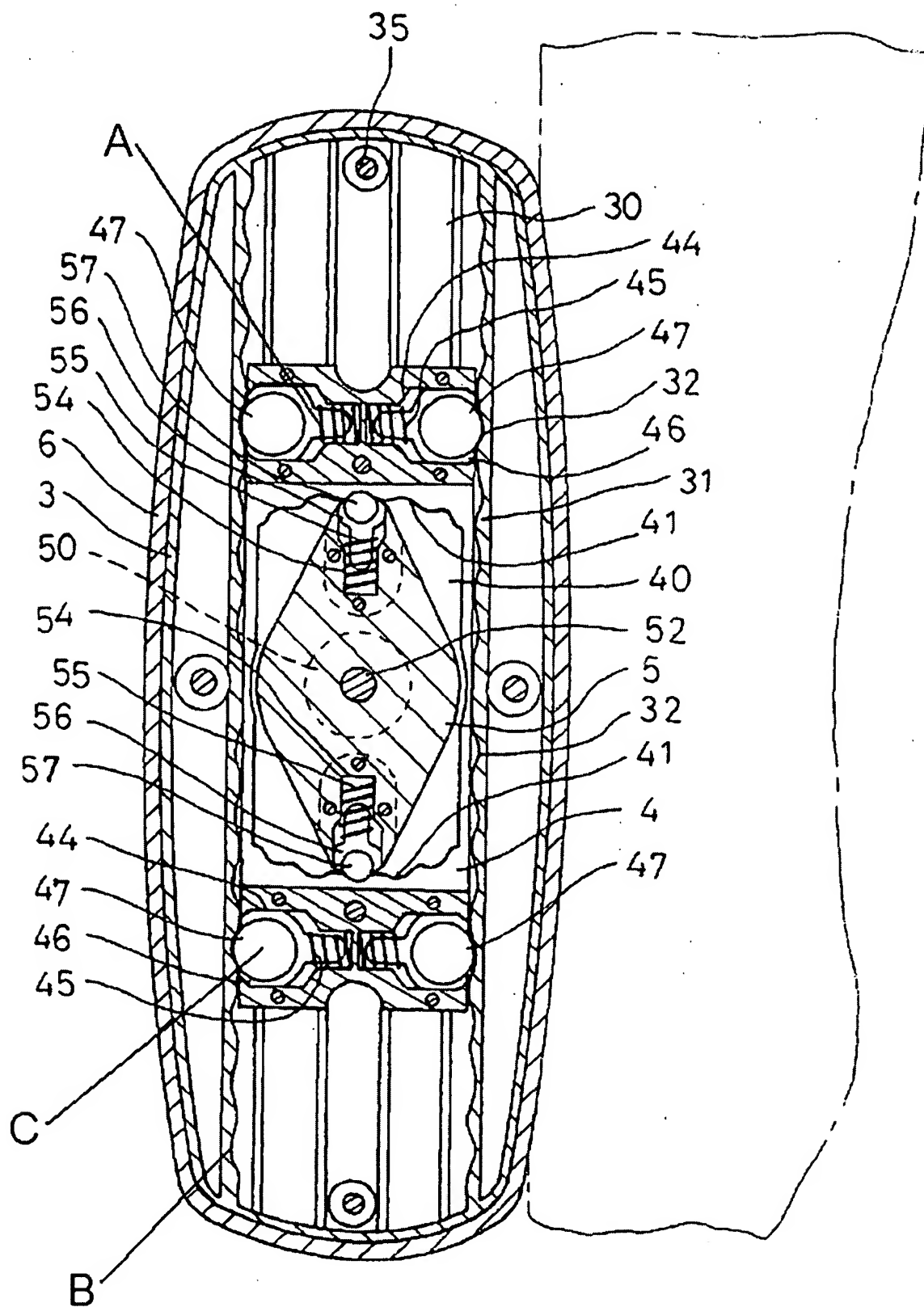
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 8, 9, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsai in US Patent 6948775. Tsai teaches an adjustable armrest for a chair comprising an armrest base member (4), a support member (3) slidably coupled to

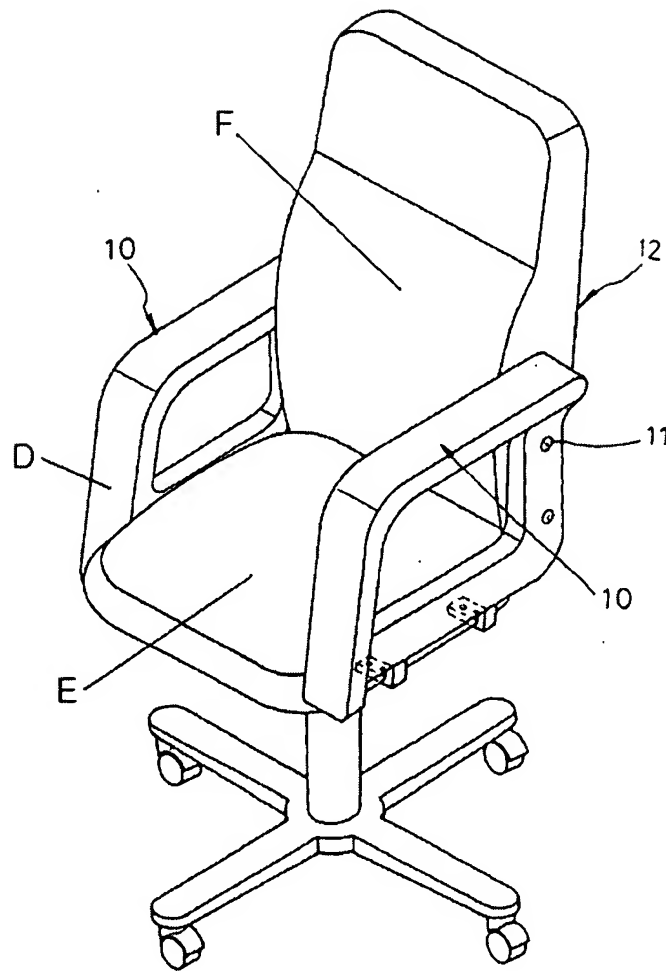
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the base member for movement along a path (forward and backward along 30) in first and second directions (best seen in Figure 4 and 5) relative to the base between first forward (Best seen in Figure 4) and second rearward (Best seen in Figure 5) positions relative to the base and biased by a spring (A -the spring pushes ball 47 into the detent slot, thereby biasing the support member into the first position) into the first position, a device selectively retaining the support member in the second position, the device including a catch (B) and a movable retaining member (C), the retaining member disengaging from the catch upon movement of the support member in the rearward direction (if the support member is moved rearward, the retaining member C will disengage from the indentation B) such that the bias moves the support member along the path (once disengaged from the catch, the catch will inherently seek out a new catch and therefore would move the support member along the path from the second position to the first) even if no force is applied.. Tsai further teaches that the support member is rotatably coupled to the base (Best seen in Figure 6) to permit rotational adjustment about a generally vertical axis.



Tsai, Figure 4

4. Claims 21, 26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsai in US Patent 6948775. Tsai teaches a seating unit comprising a frame (D) a seat (E) a backrest (F) and a pair of armrests (10). Tsai further teaches details of the armrests (Shown in Figures 2-6) wherein they are movably mounted to the frame (Best seen in Figures 5 and 6) for movement between forward (Figure 4) and rearward (Figure 5) positions wherein the armrests are biased (by springs A-the springs push ball 47 into the detent slot, thereby biasing the support member into the forward position) into the forward position and each includes a device (C) selectively retaining the armrests in the rearward position wherein the movement of the armrests releases the device (if the support member is moved rearward, the retaining member C will disengage from the indentation B) such that the armrests move to the forward position due to the bias (the spring will tend to rebound the support member toward the first position). Tsai further teaches that the armrests include a base member (4) connected to the frame (2) and a support member (3) slidably coupled to the base member and rotatably coupled to the base member to permit rotational adjustment.



Tsai, Figure 1

5. Claims 36-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Lancaster et al in US Patent 5897089.

a. Regarding Claim 36, Lancaster teaches an adjustable armrest for a chair comprising an armrest base member (606), a support member (602) movably coupled to the armrest base member for movement in forward and rearward directions between forward and rearward positions relative to the armrest base member and biased (via spring 625) into the forward position, a device (Best

seen in Figure 19) selectively retaining the support member in the rearward position, the device including a catch (710) and a movable retaining member (664).

b. Regarding Claim 37, Lancaster teaches that the catch is a heart shaped track (Best seen in Figure 19) and the movable retaining member does not restrict movement of the support member relative to the base when the retaining member is disengaged from the catch.

c. Regarding Claim 38, Lancaster teaches that the device includes and elongated straight track portion (686).

d. Regarding Claim 39, Lancaster teaches a resilient member (625) biasing the support member into the forward position.

6. Claims 40-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Lancaster et al. in US Patent 5897089.

e. Regarding Claims 40-42, Lancaster teaches an adjustable armrest for a chair, comprising a an armrest base member (606), a support member (comprising at least 602 and 672) slidably (member 673 slides with respect to the base member) coupled to the armrest base member for movement in forward (See figure 16) and rearward (See figure 17) directions between forward and rearward positions relative to the base member, an energy-storing mechanical spring (625) generating a biasing force sufficiently strong to push the support member into the forward position, and a device (654) selectively retaining the



support member in the rearward position including a catch (686) and a movable retaining member (664).

f. Regarding Claim 43, Lancaster teaches that the path is linear and fore-and-aft (the support member section 672 moves in a linear, "fore-and-aft" path).

g. Regarding Claim 44, Lancaster teaches that the catch includes a slot having a heart-shaped portion (720) receiving the retaining member.

7. Claims 45-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Lancaster et al. in US Patent 5897089. Lancaster teaches an adjustable armrest for a chair, comprising a an armrest base member (606), a support member (comprising at least 602 and 672) slidably (member 673 slides with respect to the base member) coupled to the armrest base member for movement in first and second directions between first (See figure 16) and second (See figure 17) positions relative to the base member, a mechanical spring (625) biasing the support member into the first position when the support member is in the second position, and a device (654) selectively retaining the support member in the second position, the device including a catch (686) and a movable retaining member (664). Lancaster teaches that the support member is movable in forward (toward the first position) and rearward (toward the second position) directions and the support member is biased into the forward direction (by the spring).

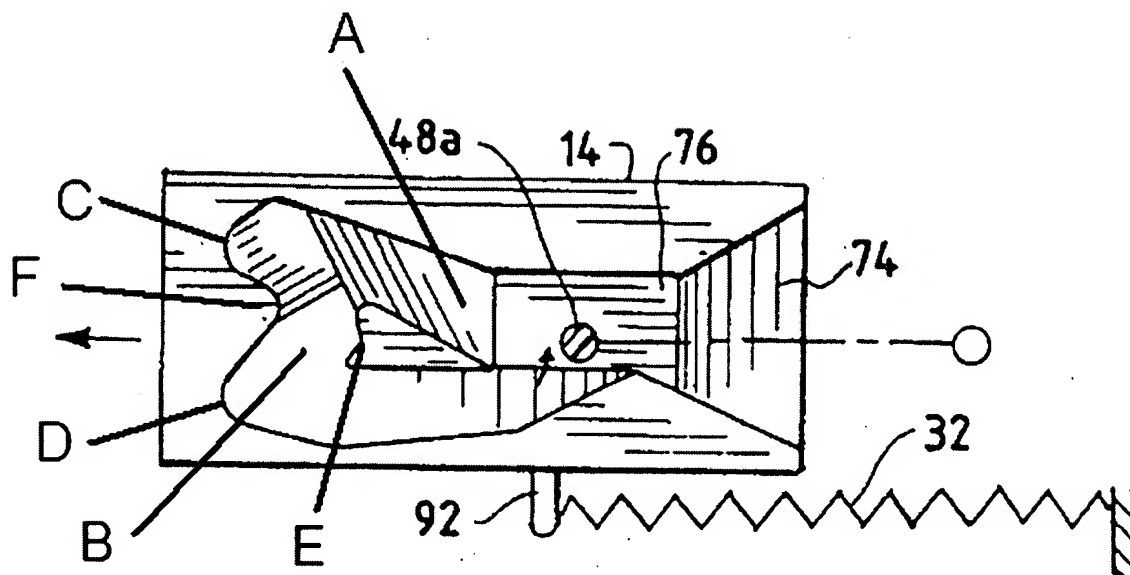
***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as applied to Claim 1 above in view of Bivens in US Patent 5498039. Tsai teaches a padded cushion (6) attached to the support member but fails to teach a push-push mechanism or the details thereof. Bivens teaches a push-push mechanism having one member with a track (A, best seen in Figure 9, below) having an elongated generally straight portion (76) and a heart-shaped end portion (B) positioned at an angle to the straight portion, the heart-shaped portion having two lobes (C, D) intersecting to form a notch (E) and an extension in the track opposite the notch (F), and a rotating retaining member (48) with extension (48a) on another member that engages the track. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai by using a push-push mechanism as taught by Bivens to retain the support member in one position by adding a heart-shaped track to the base member and a rotating retaining member with extension to the support member in order to allow the user to quickly return the support member to its forward position.



Bivens, Figure 9

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as applied to Claim 9 above in view of Cao in US Patent 6017091. Tsai fails to teach that the support member is movably coupled to the base member to permit side-to-side adjustment. Cao teaches an armrest with a support member (1) movably coupled to a base member (2) to permit side-to-side adjustment (see Figure 6). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai by adding side-to-side adjustment of the support member as taught by Cao in order to allow the user to further customize the position of the armrest.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as applied to Claim 9 above in view of Wu in US Patent 5931536. Tsai fails to teach that

the support member is vertically adjustable. Wu teaches an armrest assembly with a support member (5) that is movably mounted to the base (6) to permit vertical movement of the support member. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai by adding height adjustment as taught by Wu in order to allow users of different heights to utilize the armrest.

12. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as applied to Claim 21 above in view of Bivens in US Patent 5498039. Tsai teaches that the armrests comprise base member (2) connected to the frame (2) and a support member (3) slidably coupled to the base member but fails to teach a push-push mechanism or the details thereof. Bivens teaches a retaining device having one member with a track (A, best seen in Figure 9, below) having an elongated generally straight portion (76) and a heart-shaped end catch portion (B) positioned at an angle to the straight portion, the heart-shaped portion having two lobes (C, D) intersecting to form a notch (E) and an extension in the track opposite the notch (F), and a rotating retaining member (48) with extension (48a) on another member that engages the track. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai by using a push-push mechanism as taught by Bivens to retain the support member in one position by adding a heart-shaped track to the base member and a rotating retaining member with extension to the support member in order to allow the user to quickly return the support member to its forward position.

13. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as applied to Claim 21 above in view of Cao in US Patent 6017091. Tsai fails to teach that

the support member is movably coupled to the base member to permit side-to-side adjustment. Cao teaches an armrest with a support member (1) movably coupled to a base member (2) which is connected to a frame (3) to permit side-to-side adjustment (see Figure 6). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai by adding side-to-side adjustment of the support member as taught by Cao in order to allow the user to further customize the position of the armrest.

14. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as applied to Claim 21 above in view of Wu in US Patent 5931536. Tsai fails to teach that the support member is vertically adjustable. Wu teaches an armrest assembly with a support member (5) that is slidably mounted to the base (6) connected to the frame (3) to permit vertical movement of the support member. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai by adding height adjustment as taught by Wu in order to allow users of different heights to utilize the armrest.

15. Claims 31, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai in US Patent 6948775 in view of Bivens in US Patent 5498039.

h. Regarding Claim 31, Tsai teaches a seating unit comprising a frame (D) a seat (E) a backrest (F) and a pair of armrests (10). Tsai further teaches details of the armrests (Shown in Figures 2-6) wherein they are movably mounted to the frame (Best seen in Figures 5 and 6) for movement between forward (Figure 4) and rearward (Figure 5) positions wherein the armrests are biased (by springs A-

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the springs push ball 47 into the detent slot, thereby biasing the support member into the first position) into the forward position. Tsai fails to teach a heart and pawl device. Bivens teaches a heart and pawl device (Best seen in Figures 4-9) operably interconnecting two members to retain one member in a rearward position (Best seen in Figure 7) and bias it toward the front position (Best seen in Figure 9). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai by using a heart-pawl device to interconnect the armrests to the frame in order to allow the user to quickly return the armrests to its forward position.

i. Regarding Claims 33 and 34, Tsai, as modified, further teaches that the armrests include a base member (4) connected to the frame (2) and a support member (3) slidably coupled to the base member and rotatably coupled to the base member to permit rotational adjustment about a vertical axis (best seen in Figure 6).

16. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as modified, as applied to Claim 31 above in view of Cao in US Patent 6017091. Tsai, as modified, fails to teach that the support member is movably coupled to the base member to permit side-to-side adjustment. Cao teaches an armrest with a support member (1) movably coupled to a base member (2) which is connected to a frame (3) to permit side-to-side adjustment (see Figure 6). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai, as modified,

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by adding side-to-side adjustment of the support member as taught by Cao in order to allow the user to further customize the position of the armrest.

17. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as modified, as applied to Claim 31 above in view of Wu in US Patent 5931536. Tsai, as modified, fails to teach that the support member is vertically adjustable. Wu teaches an armrest assembly with a support member (5) that is slidably mounted to the base (6) connected to the frame (3) to permit vertical movement of the support member. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai, as modified, by adding height adjustment as taught by Wu in order to allow users of different heights to utilize the armrest.

### ***Response to Arguments***

18. Applicant's arguments filed 7/18/07 have been fully considered but they are not persuasive.

19. With respect to applicant's arguments regarding the rejection of Claim 1 using the Tsai reference: if the ball is anywhere but all the way in the detent slot, the spring pushes the ball into the detent slot, thereby biasing the support member into the first position.

20. With respect to applicant's arguments regarding the rejection of Claim 21 using the Tsai reference: if the ball is anywhere but all the way in the detent slot, the spring pushes the ball into the detent slot, thereby biasing the support member into the first position.

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21. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Tsai armrest would be more easily returned to the first position upon the addition of the Bivens device.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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